

12032. Misbranding of chocolate peanut butter bars. U. S. v. Baltimore Candy Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17701. I. S. No. 2731-v.)

On October 3, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Baltimore Candy Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 25, 1923, from the State of Maryland into the State of Pennsylvania, of a quantity of chocolate peanut butter bars which were misbranded. The article was labeled in part: "Superior Meltaway Chocolate Peanut Butter Net weight 2 oz. Manufactured By Baltimore Candy Co. Baltimore, Md."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average net weight of 36 bars was 1.90 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net weight 2 oz.," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of said packages contained 2 ounces net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 2 ounces net weight of the article, whereas, in truth and in fact, each of said packages did not contain 2 ounces net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 5, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12033. Misbranding of tea. U. S. v. Thomas J. Lipton, Inc., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 17788. I. S. Nos. 8463-v, 8464-v.)

At the November, 1923, term of the United States District Court within and for the Northern District of California, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Thomas J. Lipton, Inc., a corporation, trading at San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about January 10 and 12, 1923, respectively, from the State of California into the State of Nevada, of quantities of tea which was misbranded. The article was labeled in part: "Lipton * * * Lipton's Chief Offices and Warehouses for the United States, Hoboken, New Jersey. Chicago * * * San Francisco * * * New Orleans * * * Lipton's Choicest Blend Of 10¢ Tea."

Misbranding of the article was alleged in the the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 7, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12034. Adulteration and misbranding of canned oysters. U. S. v. 10 Cases, et al., of Canned Oysters. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 655-c, 658-c. S. Nos. E-4114, E-4142.)

On or about July 28 and August 1, 1922, respectively, the United States attorney for the Southern District of Florida, acting upon reports by officers of the Department of Agriculture of the State of Florida, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 60 cases of canned oysters, in part at Ybor City and in part at Tampa, Fla., alleging that the article had been shipped by the Hilton Head Packing Co., from Savannah, Ga., May 30 and June 23, 1922, respectively, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. Office: Savannah, Ga."